

**Remarks**

Claims 1-5, 13-17, 29 and 34-36 are pending.

Claims 1-5, 13-17, 29 and 33-35 stand rejected.

Claim 33 is cancelled.

Claim 36 is newly added.

**Specification Objections**

The Specification is objected to because the status of the parent applications of the present application should be updated. A specification amendment with the appropriate changes is included herewith.

**§102 Rejections – Seelig ‘603**

Claims 1-5, 13-17 and 35 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,560,603 to Seelig et al. (“Seelig ‘603” hereinafter). This rejection is respectfully traversed.

Claim 1 recites a method comprising, *inter alia*, “determining a plurality of plays at a gaming device; calculating a speed of game play based on a number of plays per unit time; determining a pay schedule for each of the plurality of plays based on the calculated speed of game play; and displaying a racing object having a position which changes based on the calculated speed of game play, wherein a player payout percentage defined by the determined pay schedule for each of the plurality of plays is greater for a first speed of game play than for a second speed of game play, the first speed being greater than the second speed.”

Seelig ‘603 does not disclose, teach or suggest these limitations, particularly “determining a pay schedule for each of the plurality of plays

based on the calculated speed of game play . . . wherein a player payout percentage defined by the determined pay schedule for each of the plurality of plays is greater for a first speed of game play than for a second speed of game play.”

Seelig ‘603 discloses a racing game wherein each handle pull advances a racing element toward a finish line. If the racing element reaches the win, place or show line before a timer expires, the player is awarded a bonus payout. The pay schedule for each handle pull, however, remains the same, regardless of the speed of play. The only speed-based bonus disclosed by Seelig ‘603 is the bonus racing game.

Claim 1, on the other hand, recites a method wherein a pay schedule may be dynamically updated and applied to each handle pull based on a calculated speed of game play. The pay schedule of Seelig ‘603 is not determined “for each of the plurality of plays based on the calculated speed of game play” and Seelig ‘603 discloses no “player payout percentage defined by the determined pay schedule for each of the plurality of plays,” let alone one that increases based on a higher speed of play.

For at least the above reasons, the rejection of claim 1 should be withdrawn and the claim allowed. Claims 2-5 depend from claim 1 and are allowable for at least the same reasons.

Claim 13 recites, a method comprising, *inter alia*, “receiving payment for a predetermined number of slot machine outcomes; generating the predetermined number of slot machine outcomes, each outcome corresponding to a speed value; and displaying a racing object having a position which changes based on the speed value.”

Seelig '603 does not disclose, teach or suggest these features, particularly "receiving payment for a predetermined number of slot machine outcomes." The passage relied on by the Office Action relates to reading an amount of funds from a player tracking card, but this is not the same as receiving *payment* for a predetermined number of outcomes. The slot machine of Seelig still operates conventionally, wherein each slot outcome is paid for individually. Seelig does not disclose, teach or suggest any method step that encompasses "receiving payment for a predetermined number of slot machine outcomes."

For at least the above reasons, the rejection of claim 13 should be withdrawn and the claim allowed. Claims 14-17 depend from claim 13 and are allowable for at least the same reasons as claim 13.

Claim 35 recites a method comprising, inter alia, "determining a speed at which a wagering game is being played at a gaming device for each of a plurality of plays; determining, based on the speed, a reward to provide to a player participating in the wagering game; and providing the reward to the player for each of the plurality of plays, wherein the reward is determined such that a more beneficial reward is determined and provided to the player if the speed is a first speed that is greater than a second speed."

Seelig '603 does not disclose, teach or suggest these limitations, particularly "determining, based on the speed, a reward to provide to a player participating in the wagering game; and providing the reward to the player for each of the plurality of plays." As discussed above with respect to claim 1, any speed-based reward is not provided for each of a plurality of plays, but instead as part of a bonus game. There is no reward (e.g., without

being limiting, an enhanced pay schedule) in Seelig '603 that is provided for each of a plurality of plays.

For at least the above reasons, the rejection of claim 35 should be withdrawn and the claim allowed.

### **§102 Rejections – Acres**

Claims 29, 33 and 34 stand rejected under 35 U.S.C. §102(b) and §102(e) as being anticipated by U.S. Patent No. 5,655,961 to Acres et al. (“Acres” hereinafter). This rejection is respectfully traversed.

Claim 29 recites a method comprising, *inter alia*, “determining revenue received per unit of time from a player playing a wagering game at a gaming device; determining a magnitude of a multiplier based on the revenue, wherein the multiplier is of a first magnitude for a first revenue and of a second magnitude for a second revenue and further wherein the first revenue is greater than the second revenue and the first magnitude is greater than the second magnitude; determining a base amount for a payout; calculating the payout by multiplying the base amount by the multiplier; and providing the payout to the player.”

Acres does not disclose, teach or suggest these features, particularly “determining revenue received per unit of time from a player playing a wagering game at a gaming device; *determining a magnitude of a multiplier based on the revenue*; . . . determining a base amount for a payout; [and] *calculating the payout by multiplying the base amount by the multiplier.*” The portion of Acres relied on for the disclosure of these features merely discloses a bonus pay schedule that may be added to a base pay schedule, but this is not a multiplier. There is no disclosure, teaching or suggestion in

Acres of any speed-based payout that is equal to a base payout multiplied by a speed-based multiplier.

For at least the above reasons, the rejection of claim 29 should be withdrawn and the claim allowed.

Claim 34 recites a method comprising, *inter alia*, “determining a value indicative of revenue received per unit of time from a player playing a wagering game at a gaming device; determining a payout based on the value; and providing the payout to the player, wherein determining the value indicative of revenue received comprises determining a multiplier, wherein the multiplier is of a first magnitude if the revenue is a first revenue and the multiplier is of a second magnitude if the revenue is a second revenue, and wherein the first magnitude is greater than the second magnitude and the first revenue is greater than the second revenue, and further wherein determining the payout based on the multiplier comprises determining a base value for the payout and determining the payout by multiplying the multiplier by the base value.”

Acres does not disclose, teach or suggest these limitations, particularly “determining a base value for the payout and determining the payout by multiplying the multiplier by the base value.” As discussed above with respect to claim 29, Acres does not disclose any payout based on a multiplier, let alone a multiplier based on revenue per unit time.

For at least the above reasons, the rejection of claim 34 should be withdrawn and the claims allowed.

**§103 Rejections – Walker in view of Seelig ‘603 and/or Acres**

Claims 1-5, 13-17 and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,695,700 and 6,238,288 to Walker et al. (collectively “Walker” hereinafter) in view of Seelig ‘603. This rejection is respectfully traversed.

Independent claims 1 and 35 are currently amended and the rejections with respect to these claims and their dependent claims are thereby moot.

With respect to claim 13, the deficiencies of Seelig ‘603 with respect to the limitation of “receiving payment for a predetermined number of slot machine outcomes” have been discussed in detail above. Walker is not relied on for disclosure of this limitation. Accordingly, the rejection of claim 13 and its dependent claims should be withdrawn and the claims allowed.

**Double Patenting Rejections**

Claims 1-5, 13-17 and 35 stand rejected on the ground of nonstatutory obviousness type double patenting as being unpatentable over Walker in view of Seelig ‘603. This rejection is respectfully traversed.

The rejection is premised on the same analysis of the §103(a) rejection discussed above, and is improper for at least the same reasons above. Accordingly, the rejection should be withdrawn and the claims allowed.

**CONCLUSION**

It is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remains any question regarding the present application, the Examiner is cordially requested to contact Jerome DeLuca at telephone number (203) 461-7319 or via electronic mail at [jdeluca@walkerdigital.com](mailto:jdeluca@walkerdigital.com).

Please charge any fees that may be required for this Amendment to Deposit Account No. 50-0271. Furthermore, should an extension of time be required, please grant any extension of time which may be required to make this Amendment timely, and please charge any fee for such an extension to Deposit Account No. 50-0271.

Respectfully submitted,

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Date

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